

Abby J. Moscatel
BLACKTAIL LAW GROUP, PLLC
PO Box 931
Lakeside, MT 59922
MT Bar: 66245187
Telephone: (406) 318-7223
Email: amoscatel@blacktaillaw.com

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

IN RE SUBPOENA OF RICHARD SEDDON

CASE No. 1:22-MC-00008-BLG-SPW-TJC

**NON-PARTY RICHARD SEDDON'S
MOTION TO QUASH SUBPOENA TO
PRODUCE DOCUMENTS AND
INFORMATION**

RICHARD SEDDON'S MOTION TO QUASH SUBPOENA

COMES NOW, non-party Richard Seddon ("**Seddon**"), through counsel, for the reasons set forth in the accompanying Memorandum in Support files this limited appearance and moves to quash an improper subpoena issued by the American Federation of Teachers Michigan ("**Union**") in a case pending for over

five years in the Eastern District of Michigan styled *AFT Michigan v. Project Veritas, et al.*, 17-CV-13292 (E.D. Mich.).

1. Under Federal Rule of Civil Procedure 45 the subpoena is defective on its face as the Union tendered it without a proper witness fee, including the fee for 1 day's attendance and mileage allowed by law under Fed R. Civ P. 45(b)(1).

2. Worse, even if the Union had complied with the federal rules, this Court must quash because the Union seeks privileged information and puts an undue burden on Mr. Seddon by trying to get documents and testimony from a non-party after discovery has closed covering what could and should have been obtained from parties to the case while discovery was still open. See generally, Fed. R. Civ. P. 45(d)(3)(A)(iii) and (iv).

3. Finally, Mr. Seddon was forced to retain the undersigned counsel to defend himself against the Union's improper efforts. Under Rule 45 and Local Rule 1.1 (d) this Court should sanction the Union and its counsel for violating the Rules and ignoring proper process and procedures for non-parties in remote jurisdiction far from the pending case or nexus of controversy.

NOW, THEREFORE, because of the procedural defects of the subpoena, the substantive and undue burdens the Union is foisting on Mr. Seddon, and the Union's generalized penchant for not following the federal rules concerning

discovery, Mr. Seddon requests that this Court grant his Motion to Quash, award him his reasonable costs and attorney's fees for filing this motion and provide any other relief that is just and proper.

Respectfully Submitted,

BLACKTAIL LAW GROUP, PLLC

s/ Abby J. Moscatel

BY: ABBY J. MOSCATEL

Montana Bar No. 66245187

PO Box 931

Lakeside, MT 59922

MT Bar: 66245187

Telephone: (406) 318-7223

Email: amoscatel@blacktaillaw.com

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of July, 2022, a true and correct copy of the foregoing document was mailed, postage prepaid, and by electronic mail to the following:

☒ U.S. Mail
☐ Fed Ex
☐ Hand-Delivery
☐ Facsimile
☒ Email

Mark H. Cousens
2621 Evergreen Road, Suite 130
Southfield, MI 48076
cousens@cousenslaw.com

☒ U.S. Mail
☐ Fed Ex
☐ Hand-Delivery
☐ Facsimile
☒ Email

Joseph E. Sandler
Sandler Reiff Lamb Rosenstein
1090 Vermont Ave NW
Suite 750
Washington DC 20005
sandler@sandlerreiff.com

☒ U.S. Mail
☐ Fed Ex
☐ Hand-Delivery
☐ Facsimile
☒ Email

Brad J. Brown
Crowley Fleck PLLP
900 N. Last Chance Gulch
PO Box 797
Helena, MT 59624
bbrown@crowleyfleck.com

/s/ Abby J. Moscatel

Blacktail Law Group, PLLC